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PATENT / DOCKET NO. 16356.843 (DC-05910)
Customer No. 27683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Chagny, Marie-Pascale et al.

Serial No.: 10/777,374

Filed: 02/12/2004

For: PROGRESSIVE IMPEDANCE CONNECTOR

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Examiner: Benenson, Boris

Art Unit: 2836

11/15/2005 DTESSEM1 00000063 081394 10777374

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Mail Stop Petitions
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(B)**

Dear Sirs:

Applicants, by their attorney of record, hereby petition the Commissioner to revive the above-identified application under the provision of 37 C.F.R. §1.137(b) on the grounds that the delay in replying to the Office Action mailed January 25, 2005, was unintentional.

It is respectfully submitted that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR §1.137(b) was unintentional. This Petition has been promptly filed after the Applicants became aware of the abandonment of this application. Accordingly, the Applicants respectfully request that this Petition be granted and the application revived.

A Notification of Abandonment was received on September 12, 2005. However, the time period for response to the Office action has expired and therefore, this Petition is being filed within one year of the date of abandonment, July 26, 2005.

The undersigned first became aware that the application had been abandoned upon receipt of the Notice of Abandonment on September 12, 2005. Upon review of the file history, Applicants note the response to the Office action issued on January 25, 2005 was timely filed, however, the applicant's information, application number, filing date, title of invention, examiner, and group art unit information listed in the heading on the first page of the response were incorrect. Since the date of receipt of the Notice, the undersigned has promptly attended to the filing of this Petition.

This Petition is accompanied by a petition fee set forth in 37 C.F.R. § 1.17(m) of \$1,500.00.


The undersigned submits to the Commissioner the following:

1. Applicants filed a response to an Office Action mailed on January 25, 2005 on April 22, 2005 (copy enclosed - note incorrect application information in the heading).
2. Examiner called Applicants on August 1, 2005 advising the response was not received by the USPTO. Applicants then faxed Examiner copy of the Response as filed with the United States Patent Office on April 22, 2005 (copy enclosed - note clerical error was not caught and again the response with incorrect application information in the heading was submitted).
3. On September 12, 2005, Applicants received a Notice of Abandonment dated September 7, 2005 (copy enclosed). Upon review of Applicant's file, the clerical error was discovered. Filing of the Amendment with incorrect application information in the heading in response to the Office Action dated January 25, 2005 was clearly unintentional.


For all the above reasons, the Applicants respectfully request the Commissioner to find that the delay which resulted in this application was unintentional and that this Petition was promptly filed after the Applicants became aware of the abandonment. The Applicants further request that the Commissioner grant this Petition and revive this application.

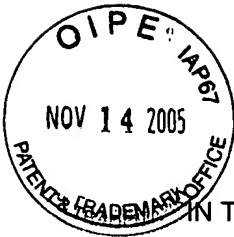
The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Haynes and Boone, LLP. Deposit Account No. 08-1394 associated with this communication. **This form submitted in triplicate.**

Respectfully submitted,


James R. Bell
Registration No. 26,528

Date: 11-9-05
HAYNES AND BOONE, L.L.P.
901 Main Street, Suite 3100
Dallas, Texas 75202
Telephone: 512-867-8407
Facsimile: 214-200-0853

<p align="center">Certificate of Mailing</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on <u>11/9/05</u>.</p> <p align="center"></p> <p>Nishi Pasarya</p>



PATENT/DOCKET NO. 16356.843 (DC-05910)
Customer No. 27683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Chagny, Marie-Pascale et al.

Serial No.: 10/777,374

Filed: 02/12/2004

For: PROGRESSIVE IMPEDANCE CONNECTOR

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Examiner: Benenson, Boris

Art Unit: 2836

Attn: Office of Petitions
Mail Stop Petition
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Dear Sir:

Enclosed are the following:

1. Request for Reconsideration;
2. Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR § 1.137(B);
3. a return postcard.

The Commissioner is hereby authorized to charge Deposit Account No. 08-1394 (16356.843) for any deficiencies in the enclosed fees. This sheet submitted in duplicate.

Respectfully submitted,

James R. Bell
Registration No. 26,528

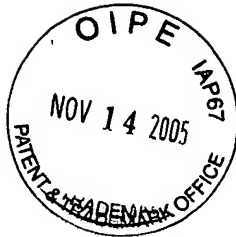
Date: 11-9-05
HAYNES AND BOONE, L.L.P.
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 512/867-8407
Facsimile: 214/200-0853
File: 16356.843
a-183688.1

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11/9/05

Nishi Pasarya



PATENT / DOCKET NO. 16356.843 (DC-05910)
Customer No. 27683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Chagny, Marie-Pascale et al.

Serial No.: 10/777,374

Filed: 02/12/2004

For: PROGRESSIVE IMPEDANCE CONNECTOR

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Examiner: Benenson, Boris

Art Unit: 2836

Mail Stop Petitions

Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Dear Sirs:

A Decision was mailed on October 18, 2005 for the above-referenced matter in which Applicants' petition was dismissed for failure to submit response to outstanding official action. As stated in the Decision, the requirements for a grantable petition requires (1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)).

In accordance with the Decision, Applicants submit a renewed Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. §1.137(b).

Applicants believe all requirements for a grantable petition under 37 C.F.R. 1.181 have been met. Applicants respectfully request that this Request for Reconsideration of Petition be granted .

Applicants previously paid the appropriate fee and therefore believes no further fee is due. However, the Commissioner is hereby authorized to charge any fees associated with this communication or credit any overpayments to Deposit Account No. 08-1394.

Respectfully submitted,



James R. Bell

Registration No. 26,528

Date: 11-9-05
HAYNES AND BOONE, L.L.P.
901 Main Street, Suite 3100
Dallas, Texas 75202
Telephone: 512-867-8407
Facsimile: 214-200-0853

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11/9/05



Nishi Pasarya



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Chagny, Marie-Pascale et al.
Allen, Robert, et al.

Serial No. 10/670,908 770,374

Filed: 2/12/04 September 25, 2003

For: INFORMATION HANDLING SYSTEM
INCLUDING POWER SUPPLY SELF
DIAGNOSTICS Progressive
Impedance Connector

Examiner: Sun, Xingqin Benenson, Boris

Group Art Unit: 2863 2936

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office action dated January 25, 2005, enclosed are the following regarding the above-identified patent application:

1. Amendment and Request for Reconsideration Under 37 CFR §1.111; and
2. Transmittal letter.

☐ Small entity status of this application has been established by a previously submitted verified statement under 37 C.F.R. §§ 1.9 and 1.27.

☐ No additional fee is required.

The fee has been calculated as shown below:

The fee has been calculated as shown below:

					<u>SMALL ENTITY</u>		<u>OTHER THAN A SMALL ENTITY</u>		
	<u>(Col. 1)</u>		<u>(Col. 2)</u>	<u>(Col. 3)</u>	RATE	ADDIT. FEE	<u>OR</u>	RATE	ADDIT. FEE
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA					
TOTAL	9	minus	21	= 0	x 25	\$_____	OR	x 50	\$ <u>0.00</u>
INDEP	1	minus	3	= 0	x 100	\$_____	OR	x 200	\$ <u>0.00</u>
[]	FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ 180	\$_____	OR	+ 360	\$_____
					TOTAL	\$=====	OR	TOTAL	\$ <u>0.00</u>

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

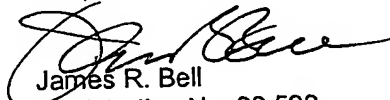
☐ Please charge Deposit Account No. [08-1394 H&B] in the amount of \$ _____.

☒ A check in the amount of \$ 200.00 is attached.

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. [08-1394 H&B, Order No. 16356.843 (DC-05910)].

- ☒ Any additional filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims.
☐ Any patent application processing fees under 37 C.F.R. § 1.17.
☐ A copy of this sheet is enclosed.


Respectfully submitted,


James R. Bell
Registration No. 26,528

Dated:

4-22-05
HAYNES AND BOONE, L.L.P.
901 Main Street, Suite 3100
Dallas, Texas 75202 3789
Telephone: 512/867-8407
Facsimile: 214/200-0853
ipdocketing@haynesboone.com

A-176523_1.DOC

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on	4/22/05
Date	
Signature	NISHI PARARYA
Typed or Printed name of person signing Certificate	



PATENT
Docket Number: 16356.843 (DC-05910)
Customer No. 000027683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Chagny, marie-fascals et al. §
Allen, Robert, et al. §

Serial No. ~~10/670,908~~ 10/777,374

Wm
info

Examiner: ~~Sun, Xiuqin~~ Benenson, Boris

Filed: ~~September 25, 2003~~ 2/12/04

Group Art Unit: ~~2863~~ 2836

For: ~~INFORMATION HANDLING~~ §
~~SYSTEM INCLUDING POWER~~ §
~~SUPPLY SELF DIAGNOSTICS~~ §
 Progressive Impedance Connector

AMENDMENT AND REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.111

**Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

In response to the Office Action mailed January 25, 2005, please amend the above-identified application as follows:

INTRODUCTORY COMMENTS

Claim 13 is amended, claims 1-12 are withdrawn, and claims 13-21 remain in the application. Re-examination and reconsideration of the application, as amended, are requested.

AMENDMENTS TO THE SPECIFICATION

None.

AMENDMENTS TO THE CLAIMS

Please amend the claims as follows:

1. (Withdrawn) A connector comprising:
 - a base;
 - a connector member having a first end connected to the base;
 - the connector member terminating at a second end opposite the first end;
 - a first region located adjacent the first end, the first region having a first impedance; and
 - a second region located adjacent the second end, the second region having a second impedance that is greater than the first impedance.
2. (Withdrawn) The connector of claim 1 wherein the first region includes a metal.
3. (Withdrawn) The connector of claim 1 wherein the first region includes a metal alloy.
4. (Withdrawn) The connector of claim 1 wherein the second region includes a polymer.
5. (Withdrawn) The connector of claim 1 wherein the second region includes a resistive polymer
6. (Withdrawn) The connector of claim 1 wherein the impedance varies from the first impedance to the second impedance between the first end and the second end.

7. (Withdrawn) A connection device comprising:
 - a base;
 - a connector member mounted to the base, the connector member including a first end adjacent to the base and a second end opposite the first end; and
 - a region on the connector member located between the first end and the second end, whereby the connector member provides impedance which varies from a first impedance adjacent the first end to a second impedance, which is greater than the first impedance, adjacent the second end.
8. (Withdrawn) The connection device of claim 7 wherein the connector member is made of a first material, whereby the region of a first impedance is due to the first material and the region of a second impedance is due to the first material being coated with a second material.
9. (Withdrawn) The connection device of claim 8 wherein the first material includes a metal.
10. (Withdrawn) The connection device of claim 8 wherein the first material includes a metal alloy.
11. (Withdrawn) The connection device of claim 8 wherein the second material includes a polymer.
12. (Withdrawn) The connection device of claim 8 wherein the second material includes a resistive polymer.

13. (Currently Amended) An information handling system comprising:
- a housing;
 - a microprocessor mounted in the housing;
 - a storage coupled to the microprocessor;
 - a static sensitive circuit located in the housing; ~~and~~
 - a connector member having a varying mating surface contact with a charged connector.
- ~~a the connector member~~, located in the housing and coupled to the static sensitive circuit, which discharges static energy distributed over time due to an impedance of the connector that varies along its length, the impedance varying in response to varying the mating surface contact with a non-metal coating between a portion of the connector member and the charged connector.
14. (Original) The information handling system of claim 13 wherein the connector includes a first region having a first impedance and a second region have a second impedance which is greater than the first impedance.
15. (Original) The information handling system of claim 14 wherein the first region includes a metal.
16. (Original) The information handling system of claim 14 wherein the first region includes a metal alloy.
17. (Original) The information handling system of claim 14 wherein the second region includes a polymer.
18. (Original) The information handling system of claim 14 wherein the second region includes a resistive polymer.

19. (Original) The information handling system of claim 13 wherein the static sensitive circuit is a microprocessor.
20. (Original) The information handling system of claim 13 wherein the static sensitive circuit is a memory device.
21. (Original) The information handling system of claim 13 wherein the static sensitive circuit is a bridge chip.

REMARKS

The Examiner has required restriction to one of the following inventions under 35 U.S.C. 121:

Claims 1-12, drawn to connector structure for connecting two orthogonal PCB, classified in class 439, subclass 66.

Claims 13-21, drawn to a combination (assembly) of plurality of connectors and PCB's and classified in class 361, subclass 56.

Statement of Substance of Interview

On October 8, 2004, during a telephone conversation between the Examiner Larissa Z. Tsukerman and the undersigned, attorney of the case, a provisional election was made without traverse to prosecute the invention of claims 13-21.

Affirmation of the election is hereby made by the Applicants.

Claims 13-14 and 19-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Mueller et al.* (U.S. Patent 6,151,202) in view of *Culley et al.* (U.S. 5,943,482). Claims 15-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Mueller et al.* in view of *Culley et al.* as applied to claims 13-14 and 19-21 above, and further in view of *Bosze et al.* (U.S. 4,732,802). Applicants traverse this rejection on the grounds that these references are defective in establishing a *prima facie* case of obviousness.

As the PTO recognizes in MPEP §2142:

...The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the Examiner does not produce a *prima facie* case, the Applicant is under no obligation to submit evidence of nonobviousness.....the Examiner must step backward in time and into

the shoes worn by the hypothetical 'person of ordinary skill in the art' when the invention was unknown and just before it was made....The Examiner must put aside knowledge of the Applicant's disclosure, refrain from using hindsight, and consider the subject matter claimed 'as a whole.'"

Independent claim 13 includes: ... An information handling system comprising: a housing; a microprocessor mounted in the housing; a storage coupled to the microprocessor; a static sensitive circuit located in the housing; a connector member having a varying mating surface contact with a charged connector; the connector member, located in the housing and coupled to the static sensitive circuit, which discharges static energy distributed over time due to an impedance of the connector that varies along its length, the impedance varying in response to varying the mating surface contact with a non-metal coating between a portion of the connector member and the charged connector.

The cited references fail to disclose the claimed invention.

Therefore, there is simply no basis in the art for combining the references to support a 35 U.S.C. §103 rejection because none of the cited references teach or even suggest the desirability of the combination. Moreover, none of the cited references provide any incentive or motivation supporting the desirability of the combination. These references do not achieve a combined teaching or suggestion of monitoring a power good signal from a housekeeping controller which monitors voltages within the power supply, as claimed.

The MPEP §2143.01 provides:

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

Therefore, the Examiner's combination arises solely from hindsight based on the invention without any showing of suggestion, incentive or motivation in either reference for the combination.

Thus, the Examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met.

The Federal Circuit has, on many occasions, held that there was no basis for combining references to support a 35 U.S.C. §103 rejection. For example, in *In re Geiger*, the court stated in holding that the PTO "failed to establish a *prima facie* case of obviousness":

Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination. *ACS Hospital Systems, Inc. v. Monteffiore Hospital*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

The Federal Circuit has also repeatedly warned against using the Applicant's disclosure as a blueprint to reconstruct the claimed invention out of isolated teachings in the prior art. See e.g., *Grain Processing Corp. v. American Maize-Products*, 840 F.2d 902, 907, 5 USPQ2d 1798, 1792 (Fed. Cir. 1989).

More recently, the Federal Circuit found motivation absent in *In re Rouffet*, 149 F.3d 1350, 47 USPQ2d 1453 (Fed. Cir. 1998). In this case, the court concluded that the board had "reversibly erred in determining that one of [ordinary] skill in the art would have been motivated to combine these references in a manner that rendered the claimed invention [to have been] obvious." The court noted that to "prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the Examiner to show a motivation to combine the references that create the

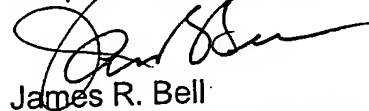
case of obviousness." The court further noted that there were three possible sources for such motivation, namely "(1) the nature of the problem to be solved; (2) the teachings of the prior art; and (3) the knowledge of persons of ordinary skill in the art." Here, according to the court, the board had relied simply upon "the high level of skill in the art to provide the necessary motivation," without explaining what specific understanding or technological principle within the knowledge of one of ordinary skill in the art would have suggested the combination. Notably, the court wrote: "If such a rote invocation could suffice to supply a motivation to combine, the more sophisticated scientific fields would rarely, if ever, experience a patentable technical advance."

Therefore, independent claim 13 and the claims dependent therefrom are submitted to be allowable.

In view of the above, it is respectfully submitted that claims 13-21 are in condition for allowance. Accordingly, an early Notice of Allowance is courteously solicited.

No fees are believed to be due at this time, however, should any fees be deemed necessary, the Commissioner is hereby authorized to charge any fees which may be required to Deposit Account 08-1394/16356.843.

Respectfully submitted,



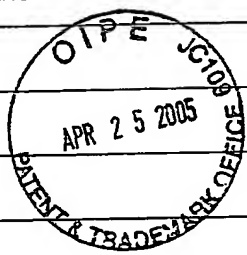
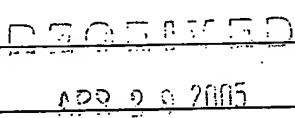
James R. Bell

Registration No. 26,528

Dated: 4-22-05
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901 Main Street, Suite 3100
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on	<u>4/22/05</u>
Date	<u>MAZ</u>
Signature	<u>Nishi Pararya</u>
Typed or Printed name of person signing Certificate	

DESCRIPTION OF PAPER	In response to Office Action dated January 25, 2005, the enclosed Amendment Under 37 C.F.R. 1.111 (10 pages); Transmittal Letter (two pages); and this return postcard, received in the Patent and Trademark Office on the date stamped hereon.		
<div style="text-align: center;">  </div>			
<div style="text-align: center;">  </div>			
HAYNES & BOONE LLP.			
APPLICANT	Chagny et al.		
SERIAL NO.	10/777,374	DATE FILED	February 12, 2004
ATTORNEY DOCKET NO.	16356.843 (DC-05910)		
TITLE	PROGRESSIVE IMPEDANCE CONNECTOR		
SENDER'S INITIALS	JRB/np	DATE MAILED	4/22/05 JK

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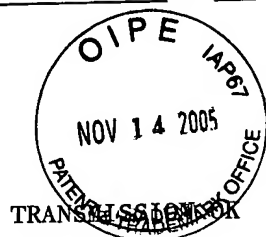
16 (including cover page)

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Received
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Page

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08/01/2005 11:33 FAX 512 867 8470		HAYNES & BOONE		0001	
<p>haynes boone Are you changing? www.haynesboone.com</p> <p>HAYNES AND BOONE, LLP Fax Transmittal</p>					
DATE: August 1, 2005		Total Pages Including Cover: 16			
TO: Examiner Boris Benenson, GAU 2863		Company: USPTO			
Fax #: 571-273-8300		Phone #:			
Client/Matter #: 16356.843 (DC-05910)					
FROM: James R. Bell		Haynes and Boone, LLP			
LD. #: 9582		600 Congress Avenue, Suite 1600 Austin, Texas 78701-3236			
Direct Phone #: 512-867-8407					
Direct Fax #: 214-200-0853		Main Phone #: (512) 867-8400			
E-Mail: lpdocketing@haynesboone.com		Main Fax #: 214-200-0853			
Should you have any problems with this transmittal, please call: 512-867-8511					
MESSAGE:					
<p>USSN: 10/870,908 Title: INFORMATION HANDLING SYSTEM INCLUDING POWER SUPPLY SELF DIAGNOSTICS Attorney Docket No.: 16356.843 (DC-05910)</p> <p>Examiner Sun,</p> <p>Per our telephone conversation, attached please find the Amendment and Request for Reconsideration originally mailed to the USPTO on April 22, 2005, in connection with the above-referenced application, and received by the USPTO on April 25, 2005, as indicated on the attached copy of the date-stamped, return-receipt postcard.</p> <p>Entry of these papers in the above-identified application is courteously solicited. Any question regarding this matter should be directed to the undersigned.</p> <p><i>[Signature]</i> James R. Bell Reg. No. 25,628</p>					
<p><small>Confidentiality Note: The information contained in this facsimile message is privileged and confidential and is intended only for the use of the addressee. The term "privileged and confidential" includes, without limitation, attorney-client privileged communications, attorney work product, trade secrets, and any other proprietary information. Nothing in this facsimile is intended by the attorney or the client to constitute a waiver of the confidentiality of this message. If the reader of this message is not the intended recipient, or employee/agent of the intended recipient, you are hereby notified that any duplication, or distribution of this communication is unauthorized. If you have received this message in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you.</small></p>					
PAGE 1/16 * RCVD AT 8/1/2005 12:30:55 PM (Eastern Daylight Time) * SVR:USPTO-EFAXF-624 * DNR:2738304 * CSID:512 867 8470 * DURATION (mm:ss):04:06					



*** TX REPORT ***

TX/RX NO
CONNECTION TEL
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08/01 11:33
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HAYNES AND BOONE, LLP
Fax Transmittal

DATE: August 1, 2005

Total Pages Including Cover: 16

TO: Examiner Boris Benenson,
GAU 2863
Fax #: 571-273-8300

Company: USPTO
Phone #:

Client/Matter #: 16356.843 (DC-05910)

FROM: James R. Bell

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MESSAGE:

USSN: 10/670,908

Title: INFORMATION HANDLING SYSTEM INCLUDING POWER SUPPLY SELF DIAGNOSTICS

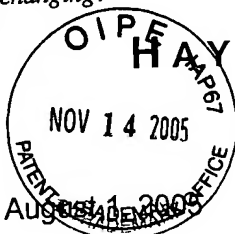
Attorney Docket No.: 16356.843 (DC-05910)

Examiner Sun,

Per our telephone conversation, attached please find the Amendment and Request for Reconsideration originally mailed to the USPTO on April 22, 2005, in connection with the above-referenced application, and received by the USPTO on April 25, 2005, as indicated on the attached copy of the date-stamped, return-receipt postcard.

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HAYNES AND BOONE, LLP
Fax Transmittal

DATE:

August 1, 2005

Total Pages Including Cover: 16

TO: Examiner Boris Benenson,
GAU 2863
Fax #: 571-273-8300

Company: USPTO
Phone #:

Client/Matter #: 16356.843 (DC-05910)

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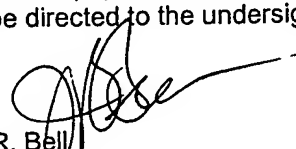
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Entry of these papers in the above-identified application is courteously solicited. Any question regarding this matter should be directed to the undersigned.


James R. Bell
Reg. No. 26,528

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PATENT
Docket Number: 16356.843 (DC-05910)
Customer No. 000027683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: *chagny, marie-pascale et al.*

Allen, Robert, et al.

Serial No. *10/770,374*
10/670,908 *wrong info*

Filed: *2/12/04*
September 25, 2003

For: INFORMATION HANDLING
SYSTEM INCLUDING POWER
SUPPLY SELF DIAGNOSTICS
Progressive Impedance Connector

Benenson, Boris
Examiner: *Sun, Xiuqin*

Group Art Unit: *2863 2 836*

AMENDMENT AND REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed January 25, 2005, please amend the
above-identified application as follows:

INTRODUCTORY COMMENTS

Claim 13 is amended, claims 1-12 are withdrawn, and claims 13-21 remain in the application. Re-examination and reconsideration of the application, as amended, are requested.

AMENDMENTS TO THE SPECIFICATION

None.

AMENDMENTS TO THE CLAIMS

Please amend the claims as follows:

1. (Withdrawn) A connector comprising:
 - a base;
 - a connector member having a first end connected to the base;
 - the connector member terminating at a second end opposite the first end;
 - a first region located adjacent the first end, the first region having a first impedance; and
 - a second region located adjacent the second end, the second region having a second impedance that is greater than the first impedance.
2. (Withdrawn) The connector of claim 1 wherein the first region includes a metal.
3. (Withdrawn) The connector of claim 1 wherein the first region includes a metal alloy.
4. (Withdrawn) The connector of claim 1 wherein the second region includes a polymer.
5. (Withdrawn) The connector of claim 1 wherein the second region includes a resistive polymer
6. (Withdrawn) The connector of claim 1 wherein the impedance varies from the first impedance to the second impedance between the first end and the second end.

7. (Withdrawn) A connection device comprising:
 - a base;
 - a connector member mounted to the base, the connector member including a first end adjacent to the base and a second end opposite the first end; and
 - a region on the connector member located between the first end and the second end, whereby the connector member provides impedance which varies from a first impedance adjacent the first end to a second impedance, which is greater than the first impedance, adjacent the second end.
8. (Withdrawn) The connection device of claim 7 wherein the connector member is made of a first material, whereby the region of a first impedance is due to the first material and the region of a second impedance is due to the first material being coated with a second material.
9. (Withdrawn) The connection device of claim 8 wherein the first material includes a metal.
10. (Withdrawn) The connection device of claim 8 wherein the first material includes a metal alloy.
11. (Withdrawn) The connection device of claim 8 wherein the second material includes a polymer.
12. (Withdrawn) The connection device of claim 8 wherein the second material includes a resistive polymer.

13. (Currently Amended) An information handling system comprising:
- a housing;
 - a microprocessor mounted in the housing;
 - a storage coupled to the microprocessor;
 - a static sensitive circuit located in the housing; and
 - a connector member having a varying mating surface contact with a charged connector.
- a the connector member, located in the housing and coupled to the static sensitive circuit, which discharges static energy distributed over time due to an impedance of the connector that varies along its length, the impedance varying in response to varying the mating surface contact with a non-metal coating between a portion of the connector member and the charged connector.
14. (Original) The information handling system of claim 13 wherein the connector includes a first region having a first impedance and a second region have a second impedance which is greater than the first impedance.
15. (Original) The information handling system of claim 14 wherein the first region includes a metal.
16. (Original) The information handling system of claim 14 wherein the first region includes a metal alloy.
17. (Original) The information handling system of claim 14 wherein the second region includes a polymer.
18. (Original) The information handling system of claim 14 wherein the second region includes a resistive polymer.

19. (Original) The information handling system of claim 13 wherein the static sensitive circuit is a microprocessor.
20. (Original) The information handling system of claim 13 wherein the static sensitive circuit is a memory device.
21. (Original) The information handling system of claim 13 wherein the static sensitive circuit is a bridge chip.

REMARKS

The Examiner has required restriction to one of the following inventions under 35 U.S.C. 121:

Claims 1-12, drawn to connector structure for connecting two orthogonal PCB, classified in class 439, subclass 66.

Claims 13-21, drawn to a combination (assembly) of plurality of connectors and PCB's and classified in class 361, subclass 56.

Statement of Substance of Interview

On October 8, 2004, during a telephone conversation between the Examiner Larissa Z. Tsukerman and the undersigned, attorney of the case, a provisional election was made without traverse to prosecute the invention of claims 13-21.

Affirmation of the election is hereby made by the Applicants.

Claims 13-14 and 19-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Mueller et al.* (U.S. Patent 6,151,202) in view of *Culley et al.* (U.S. 5,943,482). Claims 15-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Mueller et al.* in view of *Culley et al.* as applied to claims 13-14 and 19-21 above, and further in view of *Bosze et al.* (U.S. 4,732,802). Applicants traverse this rejection on the grounds that these references are defective in establishing a *prima facie* case of obviousness.

As the PTO recognizes in MPEP §2142:

...The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the Examiner does not produce a *prima facie* case, the Applicant is under no obligation to submit evidence of nonobviousness.....the Examiner must step backward in time and into

the shoes worn by the hypothetical 'person of ordinary skill in the art' when the invention was unknown and just before it was made....The Examiner must put aside knowledge of the Applicant's disclosure, refrain from using hindsight, and consider the subject matter claimed 'as a whole.'"

Independent claim 13 includes: ... An information handling system comprising: a housing; a microprocessor mounted in the housing; a storage coupled to the microprocessor; a static sensitive circuit located in the housing; a connector member having a varying mating surface contact with a charged connector; the connector member, located in the housing and coupled to the static sensitive circuit, which discharges static energy distributed over time due to an impedance of the connector that varies along its length, the impedance varying in response to varying the mating surface contact with a non-metal coating between a portion of the connector member and the charged connector.

The cited references fail to disclose the claimed invention.

Therefore, there is simply no basis in the art for combining the references to support a 35 U.S.C. §103 rejection because none of the cited references teach or even suggest the desirability of the combination. Moreover, none of the cited references provide any incentive or motivation supporting the desirability of the combination. These references do not achieve a combined teaching or suggestion of monitoring a power good signal from a housekeeping controller which monitors voltages within the power supply, as claimed.

The MPEP §2143.01 provides:

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

Therefore, the Examiner's combination arises solely from hindsight based on the invention without any showing of suggestion, incentive or motivation in either reference for the combination.

Thus, the Examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met.

The Federal Circuit has, on many occasions, held that there was no basis for combining references to support a 35 U.S.C. §103 rejection. For example, in *In re Geiger*, the court stated in holding that the PTO "failed to establish a *prima facie* case of obviousness":

Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination. *ACS Hospital Systems, Inc. v. Monteffiore Hospital*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

The Federal Circuit has also repeatedly warned against using the Applicant's disclosure as a blueprint to reconstruct the claimed invention out of isolated teachings in the prior art. See e.g., *Grain Processing Corp. v. American Maize-Products*, 840 F.2d 902, 907, 5 USPQ2d 1798, 1792 (Fed. Cir. 1989).

More recently, the Federal Circuit found motivation absent in *In re Rouffet*, 149 F.3d 1350, 47 USPQ2d 1453 (Fed. Cir. 1998). In this case, the court concluded that the board had "reversibly erred in determining that one of [ordinary] skill in the art would have been motivated to combine these references in a manner that rendered the claimed invention [to have been] obvious." The court noted that to "prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the Examiner to show a motivation to combine the references that create the

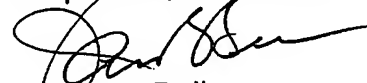
case of obviousness." The court further noted that there were three possible sources for such motivation, namely "(1) the nature of the problem to be solved; (2) the teachings of the prior art; and (3) the knowledge of persons of ordinary skill in the art." Here, according to the court, the board had relied simply upon "the high level of skill in the art to provide the necessary motivation," without explaining what specific understanding or technological principle within the knowledge of one of ordinary skill in the art would have suggested the combination. Notably, the court wrote: "If such a rote invocation could suffice to supply a motivation to combine, the more sophisticated scientific fields would rarely, if ever, experience a patentable technical advance."

Therefore, independent claim 13 and the claims dependent therefrom are submitted to be allowable.

In view of the above, it is respectfully submitted that claims 13-21 are in condition for allowance. Accordingly, an early Notice of Allowance is courteously solicited.

No fees are believed to be due at this time, however, should any fees be deemed necessary, the Commissioner is hereby authorized to charge any fees which may be required to Deposit Account 08-1394/16356.843.

Respectfully submitted,



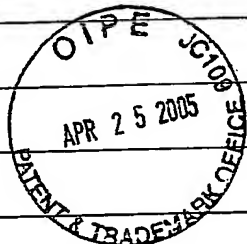
James R. Bell

Registration No. 26,528

Dated: 4-22-05
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A-176437_1.DOC

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
on	<u>4/22/05</u>
Date	<u>[Signature]</u>
Signature	<u>Nishi Patarya</u>
Typed or Printed name of person signing Certificate	

DESCRIPTION OF PAPER	In response to Office Action dated January 25, 2005, the enclosed Amendment Under 37 C.F.R. 1.111		
	(10 pages); Transmittal Letter (two pages); and this return postcard, received in the Patent and Trademark Office on the		
	date stamped hereon.		
			
	RECEIVED		
	APR 25 2005		
	HAYNES & ROONE LLP		
APPLICANT	Chagny et al.		
SERIAL NO.	10/777,374	DATE FILED	February 12, 2004
ATTORNEY DOCKET NO.	16356.843 (DC-05910)		
TITLE	PROGRESSIVE IMPEDANCE CONNECTOR		
SENDER'S INITIALS	JRB/np	DATE MAILED	4/22/05 JK

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/777,374

02/12/2004

Marie-Pascale Chagny

16356.843 (DC-05910)

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7590

09/07/2005

HAYNES AND BOONE, LLP
901 MAIN STREET, SUITE 3100
DALLAS, TX 75202

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HAYNES and BOONE

EXAMINER

BENENSON, BORIS

ART UNIT

PAPER NUMBER

2836

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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DOCKETING COMPLETE

DATE: 9.12.05

BY: caf



Notice of Abandonment

Application No.

10/777,374

Examiner

Boris Benenson

Applicant(s)

CHAGNY ET AL.

Art Unit

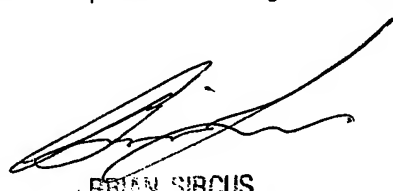
2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 25 January 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

No reply to an Office Action mailed on 1/25/2005 have been recieved


BRIAN CIRCUS
SUPERVISOR, PATENT EXAMINER
TECHNICAL CENTER 2800

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.